

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

F.E. DORKO, JR.,

Plaintiff,

v.

SALVADOR A. GODINEZ, TIMOTHY R. QUIGLEY,
MARCUS MARVIN, BENJAMIN J. RUSSELL, ALLAN E.
MARTIN, ASST. WARDEN HILLIARD, HILLIARD, HILLE,
D. FOLSOM, JEFFREY A. GWALTNEY, HUGHES, L.
LEVANTI, GINA ALLEN, MOSLEY and LOGSDON,

Defendants.

Case No. 12-cv-1130-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the order to show cause issued by Magistrate Judge Philip M. Frazier on April 4, 2013 (Doc. 20). In that order, Magistrate Judge Frazier noted that plaintiff F.E. Dorko, Jr. had not yet paid his initial partial filing fee of \$5.99 as ordered on November 27, 2012 (Doc. 9), and had not kept the Court apprized of his current mailing address as instructed on October 29, 2012 (Doc. 5) and as required by Local Rule 3.1(b). The Court ordered Dorko to pay the initial partial filing fee by April 25, 2013, and to show cause on or before April 25, 2013, why Count 1 (against defendants Folsom and Gwaltney for excessive radio noise in retaliation for filing grievances), the only remaining claim in this case, should not be dismissed for lack of prosecution.

Dorko has not paid the initial partial filing fee or responded to the order to show cause. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), the Court **DISMISSES** Count 1, the only remaining claim in this case, **with prejudice** for lack of prosecution and for failure to obey a Court order and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: April 29, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE